

**FACSIMILE TRANSMITTAL**  
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JUL 27 2004

**OFFICIAL**

Date: July 27, 2004

To: Examiner Pensee Do

Facsimile No.: 702-572-9306

From: Susan Tall

Re: US Application Serial No. 10/663,217 (atty docket LIFE-070DIV)

**Examiner:**

Pursuant to your telephone request this morning, I am re-sending a copy of the previously-filed amendment with the accompanying previously-filed transmittal forms, which amendment is responsive to the Office Action dated March 26, 2004.

This amendment was facsimile filed with the USPTO on June 14, 2004, as evidenced by the attached AUTO-REPLY FACSIMILE TRANSMISSION which shows USPTO receipt of the amendment on June 14, 2004.

Since the amendment is responsive to the Office Action dated March 26, 2004 for which a three month period for reply was given making the due date on or before June 26, 2004, and since the amendment was timely filed on June 14, 2004, this amendment is timely filed and Applicants believe that no fees for extensions of time are required.

If it is determined that fees are required, the Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-070-DIV.

Susan Tall

Total number of pages, including this cover sheet: 10

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Please type a plus sign (+) inside this box →

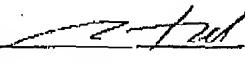


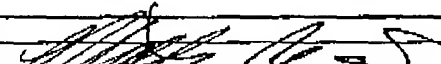
PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |  |  |             |
|--|--|--|-------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing)  | Application Number   | 10/683,217   |             |
|  | Filing Date  | September 15, 2003   |             |
|  | First Named Inventor   | OUYANG, TIANMEI  |             |
|  | Group Art Unit   | 1641   |             |
|  | Examiner Name  | Pensee T. Do   |             |
| Total Number of Pages In This Submission   | 8  | Attorney Docket Number   | LIFE-070DIV |
| <b>ENCLOSURES (check all that apply)</b>   |  |  |             |
| <input checked="" type="checkbox"/> Fee Transmittal Form In Duplicate<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Documents<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input checked="" type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |             |
| Remarks  |  |  |             |
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>  |  |  |             |
| Firm or Individual Name  | SUSAN C. TALL, Reg. No. 52,272   |  |             |
| Signature  |   |  |             |
| Date   | June 14, 2004  |  |             |

|   |  |      |               |
|---|--|------|---------------|
| <b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>  |  |      |               |
| I hereby certify that this correspondence is being facsimile filed under 37 C.F.R. §§ 1.6(d) and 1.8(a)(1)(b) addressed to: (703) 872-9306 on this date: June 14, 2004. |  |      |               |
| Typed or printed name   | Martha Cisneros  |      |               |
| Signature   |  | Date | June 14, 2004 |

Burden Hour Statement: This form is estimated to take 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: P.O. Box 1450 Alexandria VA 22313-1450. LFS-080US-DIV

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 110.00**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 50-0815  
Deposit Account Name: Bozicevic, Field & Francis LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge Any Additional Fee(s) Required under 37 C.F.R. 1.17.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code | Small Entity Fee Code | Fee Description        | Fee Paid |
|-----------------------|-----------------------|------------------------|----------|
| 1001 770              | 2001 385              | Utility filing fee     |          |
| 1002 340              | 2002 170              | Design filing fee      |          |
| 1003 530              | 2003 265              | Plant filing fee       |          |
| 1004 770              | 2004 385              | Reissue filing fee     |          |
| 1005 180              | 2005 90               | Provisional filing fee |          |

**SUBTOTAL (1)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20**               | =            | x              | =        |
| Indep. Claims      | -3**         | =              | x        |
| Multiple Dependent |              |                | =        |

| Large Entity Fee Code | Small Entity Fee Code | Fee Description  |
|-----------------------|-----------------------|--|
| 1202 58               | 2202 9                | Claims in excess of 20                                     |
| 1201 06               | 2201 43               | Independent claims in excess of 3                          |
| 1203 200              | 2203 145              | Multiple dependent claim, if not paid                      |
| 1204 08               | 2204 43               | ** Reissue independent claims over original patent         |
| 1205 18               | 2205 9                | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) \$**

\*\*or number previously paid, if greater; For Reissues, see above.

**Complete (If Known)**

Application Number: 10/663,217

Filing Date: September 15, 2003

First Named Inventor: OUYANG, TIANMEI

Examiner Name: DO, PENSEE T.

Art Unit: 1641

Attorney Docket No.: LIFE-070DIV

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code    | Fee (\$) | Fee Code    | Fee (\$) | Fee Description  |
|-------------|----------|-------------|----------|--|
| 1051 130    |          | 2051 65     |          | Surcharge - late filing fee or oath  |
| 1052 50     |          | 2052 25     |          | Surcharge - late provisional filing fee or cover sheet                     |
| 1053 130    |          | 1053 130    |          | Non-English specification  |
| 1812 2,520  |          | 1812 2,520  |          | For filing a request for ex parte reexamination                            |
| 1804 920*   |          | 1804 920*   |          | Requesting publication of SIR prior to Examination action                  |
| 1805 1,840* |          | 1805 1,840* |          | Requesting publication of SIR after Examiner action                        |
| 1251 110    |          | 2251 55     |          | Extension for reply within first month                                     |
| 1252 420    |          | 2252 210    |          | Extension for reply within second month                                    |
| 1253 950    |          | 2253 475    |          | Extension for reply within third month                                     |
| 1254 1,480  |          | 2254 740    |          | Extension for reply within fourth month                                    |
| 1255 2,010  |          | 2255 1,005  |          | Extension for reply within fifth month                                     |
| 1401 330    |          | 2401 165    |          | Notice of Appeal   |
| 1402 330    |          | 2402 165    |          | Filing a brief in support of an appeal                                     |
| 1403 290    |          | 2403 145    |          | Request for oral hearing   |
| 1451 1,510  |          | 1451 1,510  |          | Petition to institute a public use proceeding                              |
| 1452 110    |          | 2452 55     |          | Petition to revive - unavoidable   |
| 1453 1,330  |          | 2453 605    |          | Petition to revive - unintentional   |
| 1501 1,330  |          | 2501 665    |          | Utility issue fee (or reissue)   |
| 1502 480    |          | 2502 240    |          | Design issue fee   |
| 1503 640    |          | 2503 320    |          | Plant issue fee  |
| 1406 130    |          | 1460 130    |          | Petitions to the Commissioner  |
| 1807 50     |          | 1807 50     |          | Processing fee under 37 CFR 1.17(a)  |
| 1808 180    |          | 1808 180    |          | Submission of information Disclosure Stmt                                  |
| 0021 40     |          | 8021 40     |          | Recording each patent assignment per property (times number of properties) |
| 1809 770    |          | 2809 385    |          | Filing a submission after final rejection (37 CFR § 1.129(a))              |
| 1810 770    |          | 2810 385    |          | For each additional invention to be examined (37 CFR § 1.129(b))           |
| 1801 770    |          | 2001 385    |          | Request for Continued Examination (RCE)                                    |
| 1802 900    |          | 1802 900    |          | Request for expedited examination of a design application                  |

Fee Paid

110.00

Other fee (specify) Terminal Disclaimer

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

110.00

**SUBMITTED BY**

Name (Print/Type)

Susan C. Tall

Registration No.  
(Attorney/Agent)

52,272

Telephone

(850) 833-7717

Signature

Date


06/14/2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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| I hereby certify that this correspondence is being facsimile filed under 37 C.F.R. §§ 1.6(d) and 1.8(a)(1)(b) addressed to: P.O. Box 1450 Alexandria VA 22313-1450 on this date: <u>June 14, 2004</u> Facsimile No.: (703) 872-9306 |  |  |                     |
| Typed or Printed Name   |  | Martha Cisneros                            |                     |
| Signature   |  | Date                                       |                     |
|    |  | 6/14/04                                    |                     |
| <b>AMENDMENT</b><br><br>Address to:<br><br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450   |  | Attorney Docket No.                        | LIFE-070DIV         |
|   |  | Confirmation No.                           | 2349                |
|   |  | First Named Inventor                       | Tianmei Ouyang      |
|   |  | Application Number                         | 10/633,217          |
|   |  | Filing Date                                | Septemeber 15, 2003 |
|   |  | Group Art Unit                             | 1641                |
|   |  | Examiner Name                              | Do, Pensee T.       |
| Title:  |  | "Diagnostics Based on Tetrazolium Compunds |                     |

Sir:

This amendment is responsive to the Office Action dated March 26, 2004 for which a three-month period for response was given making this response due on or before June 26, 2004. In view of the amendments to the claims and the remarks put forth below, reconsideration and allowance are respectfully requested.

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